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T-138 P002/007 E-107

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RICHARD RICHARDSON,

Plaintiff,

-against-

PRE TRIAL ORDER

07 CIV. 7198 (LAK) (MHD)

NEW YORK CITY; NEW YORK CITY  
LIRR POLICE COMMAND DISTRICT #4;  
ALL JOHN DOE OFFICERS; JOHN DOE  
TOUR COMMAND; OFFICER FUENES,  
TAXID 086729; AND OFFICER  
SGT. SMITH;

Defendants.

I. Trial Counsel

Richard Richardson , Plaintiff Pro Se, 1416 Brooklyn Avenue, Apt. 1A, Brooklyn,  
New York 11210. Telephone No.: 347.742.1445.

Edward G. Lukoski, Esq., Lewis Johs Avallone Aviles, LLP., 21 East Second  
Street, Riverhead, New York 11901. Telephone No.: 631.369.7600, Fax No.: 631.369.  
7680.

II. Subject Matter Jurisdiction

The parties do not contest that the Court has subject matter jurisdiction of the  
controversy.

III Claims and Defenses

(A) Plaintiff's claims. The plaintiff claims that on June 26, 2007 at  
approximately 5:00 a.m. he bought an orange soda from the Hudson

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Newstand at Penn Station, lower level, between 7<sup>th</sup> and 8<sup>th</sup> Avenue, 33<sup>rd</sup> and 34<sup>th</sup> Street. Plaintiff claims that he was accused of not paying for the soda by the delicatessen/bagel shop also located in the same area as the Hudson Newstand. He claims he was then accused by a male worker at the Hot Crusty shop and the MTA Police District #4 detained for the plaintiff for no reason and gave a summons number 4217356225 for disorderly conduct. No one from the MTA Police showed up at the Court date on August 28, 2007.

(B) Defendants' Claims. The MTA defendants claim that on June 26, 2007, the manager of Hot and Crusty, Canala Katilili notified MTA Police Officer Fuentes that plaintiff was acting in a disorderly manner. MTA Police Officer Fuentes brought the plaintiff to the Police Station in Penn Station and, after investigation, issued a disorderly conduct summons returnable in Manhattan Criminal Court on August 29, 2007.

The MTA defendants claim they acted with probable cause for the arrest pursuant to New York State Penal Law §240.20 and did not utilize any excessive force.

- IV The plaintiff requests a jury trial and further requests four trial days.
- V The parties have consented to a trial by Magistrate Judge Dolinger.
- VI The parties have not reached any stipulations or agreed statements of fact or law.
- VII Plaintiff's witnesses: (1) Richard Richardson (2) a female employee from the Hudson Newstand (last name Muntaz)

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1-910 2004/007 F-107Defendants' witnesses: (1) MTA Police Officer Fuentes (2) Canala Katililiu

All witnesses will testify in person.

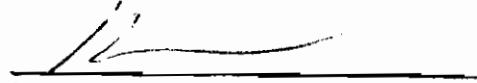
VIII Neither party will offer any deposition testimony in its case in chief.

## IX Exhibits

(a) Plaintiff's Exhibits. None listed.(b) Defendants' Exhibits. MTA Police Department Incident Report 07-AA43(2 pages) dated September 27, 2007.\*\* NOTE Co-defendant City of New York settled with the plaintiff for \$500.00 on or about April 10, 2008.

NOTE: Annexed hereto identified as Exhibit "A" is the two page submission of plaintiff pro se mailed to defense counsel which was utilized in formulating this joint Pre-Trial Order.

Dated: Riverhead, New York  
May 29, 2008

  
 Magistrate Judge Michael H. Dolinger
 7/14/08

~~Richard Richardson, Plaintiff Pro Se~~

~~Edward G. Lukoski (SL-7845)~~

~~LEWIS JOHS AVALLONE AVILES, LLP~~

~~Attorneys for Defendants~~

~~NEW YORK CITY LIRR POLICE COMMAND~~

~~DISTRICT #4, ALL JOHN DOE OFFICERS, JOHN DOE~~

~~TOUR COMMAND, OFFICER FUENES, TAX ID 086729~~

~~AND OFFICER SGT. SMITH~~

~~21 East Second Street~~

~~Riverhead, New York 11901~~

~~631.369.7600~~

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07 CV 7198 (LAK MD7 5/15/08)

Plaintiff → Richard Richardson  
Hon. Michael H. Dolinger 14116 Brooklyn Avenue  
United States Magistrate Brooklyn, New York  
Judge #1A 11210

United States District Court  
southern District of New York  
500 Pearl Street, Room 1670  
New York, New York

10007-1312

#1 Brief Summary of Claim

In June 26<sup>th</sup> 2007 at approximately 0500 AM our I Plaintiff Richard Richardson Brought in Orange Soda from the Hudson news Stand #34B Penn Station lower level Between 7<sup>th</sup> & 8<sup>th</sup> Ave 33<sup>rd</sup> & 34<sup>th</sup> Street. Plaintiff was accuse of not paying for the Soda by the delicatessen Bagel Shop also located same area as hudson news Stand and then also accuse by an male worker at the hot crusty shop and the MTA Police District #11 was detain for no reason by MTA Police and given Summons #4217356225 for Disordely Conduct Boisbrow Court Date 8/28/07. No one from MTA Police Show up at all.

2 Firm name = Richard Richardson PROSE  
 Phone # 347) 742-1445

3 met with an JUF.  
 4 NEEC ONT WEEKS for trial on 4 days.  
 5 witnesses → From hudson news Stand #34B

PART 2 cont'd

ON-CV-7198 LAK (NEW)

Plaintiff - Richard Richardson

skin approx. 5'9 160 pounds -

Respectfully Submitted

Richard Richardson

5/15/08

cc Edward G Lukaski

Lewis Johns Avallone Aviles LLP  
21 East Second Street Riverhead  
NY 11901